

Serial No.: 10/804,033
Office Action dated January 2, 2008
Amendment dated April 1, 2008

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REMARKS/ARGUMENTS

Rejections under 35 USC § 101

regarding claims 15-16

The Examiner has rejected claims 15-16 for allegedly defining non-statutory subject matter. Specifically, the Examiner has alleged that the recitation of a "computer readable media", in view of the description, results in the definition of allegedly non-statutory wireless transmissions. Although the Applicant respectfully disagrees, in the interests of obtaining an early grant of a patent it has amended claim 15 to more particularly define a "tangible computer readable medium", and has added new claim 18 which recites specific forms of such feature, all of which were disclosed or necessarily implied by the specification and drawings as filed at least in paragraph [00044] of the description (paragraph [0260] as published). Claim 16, being dependent upon claim 15, incorporates the amendment made thereto. It is respectfully submitted that the subject matter so defined constitutes statutory subject matter.

regarding claims 9-14

The Examiner has rejected claims 9-14 for allegedly defining non-statutory subject matter. Specifically, the Examiner has alleged that the subject matter consists solely of "Functional Descriptive Material" and does not sufficiently provide hardware to realize the descriptive software functionality defined in the claims. Although the Applicant respectfully disagrees, in the interests of obtaining an early grant of a patent it has amended claim 9 to further recite hardware – namely, a "computer system" – for realizing

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the descriptive software functionality defined in the claims; such feature was disclosed or necessarily implied by the specification and drawings as filed at least in paragraph [00044] of the description (paragraph [0260] as published). Claims 10-14, being dependent upon claim 9, incorporate the amendments made thereto. It is respectfully submitted that the subject matter so defined constitutes statutory subject matter.

Rejections under 35 USC § 112

regarding claims 1-8 & 15-17

The Examiner has rejected claims 1-8 & 15-17 for allegedly being indefinite wherein it is alleged that the following passages in each of independent claims 1 & 15 are contradictory:

representing operations on or between objects as predetermined compact shapes, each predetermined shape being adjacent an elongated shape, each predetermined shape containing at least one symbol indicative of a specific operation being represented
and
said predetermined compact shapes are adjacent elongated shapes representing objects upon which operations represented by said predetermined shapes are executed[.]

Specifically, the Examiner appears to have interpreted the second passage as indicating that "the compact shapes not only contain an operation representation but also become the very operated upon 'predetermined shapes'", as stated on page 4 of the Office Action.

With respect, the Examiner's allegation is not understood. It is clear from the first passage that predetermined compact shapes are used to represent operations on or between objects, and that this feature is not contradicted by the second passage. Specifically, the second passage recites "elongated shapes representing objects upon

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which operations ... are executed", the "operations" being "represented by said predetermined shapes" which are "adjacent" the "elongated shapes". Thus, the second passage is consistent with the first passage, and it is not understood on what basis the Examiner considers them to be contradictory.

The foregoing arguments apply also to the Examiner's rejection of claims 2-8, 16 & 17 on this basis, as they are variously dependent upon claims 1 & 15.

Therefore, withdrawal of this rejection is respectfully requested. If the Examiner intends to maintain the rejection, then it is respectfully requested that the Examiner more particularly and clearly identify the manner in which the passages are considered to be contradictory.

regarding claims 9-14

The Examiner also raises the above-discussed rejection against claims 9-14; however, such rejection is not understood, as none of these claims contain the passages alleged by the Examiner to be contradictory. Withdrawal of this rejection is, therefore, respectfully requested.

Rejections under 35 USC § 102

regarding claims 1-8 & 15-17

The Examiner has rejected claims 1-8 & 15-17 as being anticipated by US Patent No. 5,892,507 to Moorby et al. (hereinafter "Moorby"). This rejection is respectfully traversed for at least the following reasons.

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It is respectfully submitted that the Examiner has failed to present a *prima facie* case of anticipation which is reasonably capable of response by the Applicant. In supporting the rejection, the Examiner has cited a collection of passages and figures in the Moorby reference in a manner which is confusing rendering it difficult for the Applicant to sufficiently understand the Examiner's analysis of the Moorby reference in order to respond to the rejection.

For example, claim 1 recites the feature of "representing objects as elongated shapes each containing at least one descriptor to specify an object being represented". In alleging that Moorby anticipates this feature of the claimed subject matter, the Examiner has cited: Fig. 9; col. 3, line 60 to col. 4, line 15; col. 11, lines 1-4; and Fig. 12a. It is not clear, however, what "elongated shapes" the Examiner is thereby identifying. It is noted that such cited passages and figures deal with, for example, a "StoryLine" 200 and "TimeLine" (shown in Figure 9), and "Activation Regions" (shown in Figure 12a). The Examiner does not specify, however, what is considered to be a "descriptor to specify" such object, and such is not clear from the passages and Figures cited.

Likewise, claim 1 recites the feature of:

representing operations on or between objects as compact predetermined shapes, each predetermined shape being adjacent an elongated shape containing at least one symbol indicative of a specific operation being represented[.]

In alleging that Moorby anticipates this feature of the claimed subject matter, the Examiner has cited: Fig. 10A-B; Figs. 2a-d; *Welcome Diversion, Video 1, Goto #1* – Fig. 27; *call spots* – col. 4, lines 10-15; and Fig. 20, 21 & 22. Again, it is not clear what "compact

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predetermined shapes" the Examiner is thereby identifying. It is noted that such passages and figures deal with, for example, "Event Handlers" (Fig. 10A-B), "End Spots" (Figs. 2a-d), "Icons", "Buttons" (Fig. 27), and "Call Spots" (col. 4, lines 10-15).

It is not clear, however, in what way the Examiner considers these things to represent "operations on or between objects" which have, perhaps, been identified by the Examiner as a "Storyline", "TimeLine" or "Activation Region", as discussed above. For example, in what way does an "Event Handler" or "End Spot" "operate on" "StoryLines" or "Activation Regions", particularly in such a way as to "modify an object", as is also recited in the claims. No explanation is provided by the Examiner, and so the Examiner's rejection remains unclear and incapable of reasoned response by the Applicant.

Similar comments may be made regarding the balance of the Examiner's analysis of Moorby inasmuch as it is not clear in what way the passages and figures in Moorby cited by the Examiner are considered to teach all of the features of the claims.

In addition, it is submitted that the Moorby reference fails to teach or suggest at least the following features recited in pending claims 1-8 & 15-17:

[...] said control segment shapes each define an elongated strip perpendicular to the timeline;
each of said predetermined compact shapes being located in a strip and each section of said timeline being located in a strip such that operations represented by said predetermined compact shapes in a strip are executed according to said flow control mechanisms represented by said timeline segment located in said strip;
each strip contains a portion of at least one of said elongated shapes such that for each strip it is illustrated that operations on or by said object represented by said at least one elongated shapes are represented by predetermined compact shapes located in said strip and said operations are

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to be executed according to control mechanisms represented by said timeline segment in said strip. [emphasis added]

In alleging that Moorby teaches these features, the Examiner has cited the following passages and figures, and made the following comments: "Fig. 27; Fig. 12B; Fig. 14-16; Fig. 12; Fig. 24; Fig. 2a-d; Fig. 10b; *action interposed between call spot* – col. 9, line 56-65; *use is satisfied ... user can modify* – col. 10, line 11-21 – Note: event based operations using icon shapes – Event Handler – col. 11, lines 10-32; Fig. 26; Go to #2 – Fig. 27 – to interpose event handling in the middle or to branch away from the flow of the timeline reads on control mechanism which can modify the flow".

With respect, it is not clear in what way the passages and figures cited by the Examiner are alleged to teach the claimed features. For example, in respect of the feature "said control segment shapes each define an elongated strip perpendicular to the timeline", the Examiner has cited Fig. 27 of Moorby. Earlier in the Office Action, the Examiner cited "Fig. 11C" as teaching the following claimed feature: "representing a control flow of said process through a connected series of possibly different control segments shapes". With reference to col. 12, lines 2-6, Fig. 11(c) of Moorby shows a "StoryLine" 280 and a "TimeLine" 282 connected to each other by a "Call Line" (see Moorby, col. 9, lines 42-44); but, "StoryLines" and "TimeLines" have already been identified by the Examiner as "objects", as discussed above. The only remaining aspect of Fig. 11(c) which could be understood as being identified by the Examiner as a "control segment shape" is the "Call Line". The Examiner can only be understood, therefore, as alleging that the "Call Lines" taught by Moorby "define an elongated strip perpendicular to the timeline".

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However, claims 1 & 15 continue to read:

[...] different control segments shapes which form a timeline, said timeline being parallel to the direction of elongation of an object shape such that a sequence of operations executed on or between objects is specified[.] [emphasis added]

Thus, the claims recite "different control segments shapes which form a timeline [...] parallel to the direction of elongation of an object shape". However, the "Call Lines" taught by Moorby are clearly otherwise than parallel to anything representing a timeline in Moorby, as is illustrated in any of the figures cited by the Examiner.

Furthermore, as indicated above, the claims clearly recite that:

said operations are to be executed according to control mechanisms represented by said timeline segment in said strip wherein the strip is "perpendicular to the timeline", discussed above, and operations on or by said object represented by said at least one elongated shapes are represented by predetermined compact shapes located in said strip[.]

In other words, the "sequence of operations" "on or by said object", the "portion of at least one of said elongated shapes" representing the object, and the "control mechanisms" and "timeline segment" by which "said operations are to be executed", are all determined by and "located in said strip" which is "perpendicular to the timeline".

It is submitted that at least figures 16, 19, 23 & 27 of Moorby teach away from this feature. For example, if the "strip" is defined by the "control segment shapes" as being perpendicular to the "timeline", and the "control segment shapes" can only be understood by the Examiner's citations as corresponding to the "Call Lines", as discussed above, then the "Call Line" shown in Figure 16 connecting "Call Spot" 458 and "TimeLine" 468 must be considered to define a "strip" perpendicular to the "Path Line" 452. However, such a strip

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would also necessarily cross the "Story" line 464, and icons 474 & 476; but if icons 474 & 476 are considered to be "operations" represented by "predetermined compact shapes", as the Examiner seems to indicate (discussed above), then Figure 16 teaches away from "operations are to be executed according to control mechanisms [...] in said strip", since said icons 474 & 476 are clearly not executed according to the "Call Line" connecting "Call Spot" 458 and "TimeLine" 468 and defining the "strip".

It is, therefore, respectfully submitted that the Examiner has failed to establish a *prima facie* case of anticipation in respect of independent claims 1 & 15, and claims 2-8, 16 & 17 dependent variously thereupon, for at least the above reasons. Withdrawal of the rejection is respectfully requested. If the Examiner intends to maintain the rejection, then it is requested that the Examiner more clearly and particularly identify the manner in which Moorby is considered to teach each and every one of the features recited in the claims.

In addition, although the Applicant has refrained from responding to the Examiner's specific allegations regarding the additional limitations recited in dependent claims 2-8, 16 & 17, the Applicant does not thereby admit the Examiner's allegations; rather, the Applicant has merely elected to presently rely upon the above-demonstrated failure of the Examiner to establish a *prima facie* case of anticipation as against independent claims 1 & 15, and therefore dependent claims 2-8, 16 & 17.

Rejections under 35 USC § 103

The Examiner has rejected claims 7 & 9-14 as being unpatentable over Moorby in view of US Patent No. 7,055,131 to Charisius et al. (hereinafter "Charisius"). This rejection

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is respectfully traversed for at least the following reasons.

regarding claim 7

Claim 7 is dependent upon claim 1 which, as demonstrated above, recites features neither taught nor suggested by Moorby. The Examiner's analysis of Charisius does not indicate in what way the features of claim 1 not taught nor suggested by Moorby are instead taught or suggested by Charisius. It is, therefore, respectfully submitted that the Examiner has failed to establish a *prima facie* case of unpatentability of the subject matter of claim 7. Withdrawal of the rejection is respectfully requested.

regarding claims 9-14

Independent claim 9 has been amended so as to define a user interface for use in navigating a computer aided design software package for use with a computer system for illustrating a process according to the method of claim 1. The claim, therefore, incorporates all of the limitations of claim 1 and, as such, recites features neither taught nor suggested by Moorby or Charisius, as demonstrated above. Accordingly, withdrawal of the rejection in respect of claim 9 and claims 10-14 dependent thereupon is respectfully requested.

In addition, although the Applicant has refrained from responding to the Examiner's specific allegations regarding the additional limitations recited in dependent claims 10-14, the Applicant does not thereby admit the Examiner's allegations; rather, the Applicant has merely elected to presently rely upon the above-demonstrated failure of the Examiner to establish a *prima facie* case of obviousness as against independent claim 9 as amended to incorporate the limitations of claim 1, and therefore dependent claims 10-14.


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In view of the foregoing, early favourable consideration of this application is respectfully requested.

Respectfully submitted,

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